

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

NATASHA ATHENS d/b/a Favorite Things,

Plaintiff,

v.

BANK OF AMERICA and MEGAN SCHOLZ,

Defendants.

)
)
)
)
)
) Civil Action No. 1:21-cv-00748-SM
)
)
)
)
)

**DECLARATION OF GEORGE E. DRIVER IV IN SUPPORT OF DEFENDANTS
BANK OF AMERICA, N.A. AND MEGAN SCHOLZ'S MOTION TO DISMISS**

I, George E. Driver IV, declare as follows:

1. My full name is George E. Driver IV. I am more than twenty-one (21) years of age and am competent to give testimony and make this Declaration. I submit this Declaration in support of Defendants Bank of America, N.A. and Megan Scholz's Motion to Dismiss. Except as otherwise specifically stated, I make this Declaration based upon my own personal knowledge. If called as a witness, I would and could testify to the matters attested to herein.

2. I have been employed by Bank of America, N.A. ("BofA" or "the Bank") since 1996. My current title is Assistant Vice President.

3. I provide this declaration to authenticate certain documents related to the Paycheck Protection Program ("PPP") loan application and PPP loan forgiveness application of Plaintiff Natasha Athens d/b/a Favorite Things ("Plaintiff"). All records attached hereto as exhibits are exact duplicates of the original, save that certain personal information has been redacted in Exhibits 3–6.

4. Attached as Exhibit 1 is a true and correct copy of a screenshot titled “Paycheck Protection Program Application Addendum” submitted by Plaintiff as part of her PPP loan application.

5. Attached as Exhibit 2 is a true and correct copy of Plaintiff’s PPP loan promissory note, which Plaintiff signed electronically on May 14, 2020.

6. Attached as Exhibit 3 is a true and correct copy of screenshots of tax documents submitted by Plaintiff as part of her PPP loan application.

7. Attached as Exhibit 4 is a true and correct copy of Plaintiff’s PPP Loan Forgiveness Application (SBA Form 3508S), which Plaintiff signed electronically on July 27, 2021.

8. Attached as Exhibit 5 is a true and correct copy of Plaintiff’s completed 2019 IRS Form 1040 Schedule C, submitted by Plaintiff as part of her PPP loan forgiveness application.

9. Attached as Exhibit 6 is a true and correct copy of Plaintiff’s completed 2019 IRS Form 941, submitted by Plaintiff as part of her PPP loan forgiveness application.

10. Attached as Exhibit 7 is a true and correct copy of a letter sent from the Bank to Plaintiff on July 16, 2021 titled “Apply for PPP Loan Forgiveness” and detailing instructions on submitting a PPP loan forgiveness application.

* * *

I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct. Executed this 9th day of November, 2021, at Newark, Delaware.

Date: 11/9/2021

/s/George E. Driver IV
George E. Driver IV, Declarant
Assistant Vice President
Bank of America, N.A.